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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,349	04/27/2001	Joseph Jacob	10005377-1	2461
7590	05/30/2006			
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400				EXAMINER CARLSON, JEFFREY D
			ART UNIT 3622	PAPER NUMBER

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/844,349	JACOB ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeffrey D. Carlson	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 February 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 8, 12-17 and 28 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7, 9-11, 18-27 and 29-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION**

1. This action is responsive to the paper(s) filed 2/21/06.
2. Claims 8, 12-17, 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 2/21/06.

***Specification***

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
  - Paragraphs 2, 21, 26, 35 include URLs that should be removed.Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-7, 9-11, 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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- Claims 1-7, 9-11 are apparatus (server) claims, yet the claims set forth the mere existence of data and what appear to be method steps rather than the server's storage and *programmed* functionality (i.e. its structure).
- Claims 1 and 9, it is unclear whether the communications unit location detector is provided as a part of the server or as part of the device. If part of the device, the limitation should then be removed from the (server) claims.
- Claims 7, 22, it is unclear how many templates are positively being recited. Claim 6 can be interpreted as providing a single template, while claim 7 refers to two positive templates.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. **Claims 1-3, 18-20, 23, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Feinberg (US 2001/0053999) in view of Ward et al (US 2002/0151305).**

8. Regarding claims 1, 18, 23, 24, Feinberg teaches a user of a cell phone [¶ 40] requesting content and receiving such user-requested content along with displayed advertising targeted to their determined location [¶ 6]. The advertising is selected by

the use of ad attributes that are stored in the ad table, enabling the server to locate matching (relevant) ads for the user's particular reported location [¶ 22]. The ad is then coupled with the requested content and presented to the user's device [¶ 22], thus providing what is interpreted as a "delivery interface that publishes".

9. Regarding claims 2, 3, 19, 20, Feinberg also teaches other targeting parameters including time of day [¶ 33].

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 4-7, 9-11, 21, 22, 26, 27, 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinberg (US 2001/0053999) in view of Ward et al (US 2002/0151305).**

12. Regarding claims 4, 5, 9-11, 26, 27, 29-33, Feinberg does not teach additionally matching advertising to a user's "home" location in order to provide location-based targeting to a user's home location which differs from the user's current location. Ward et al however also teaches a cell phone user that can be targeted with location-specific advertising. In particular, Ward et al teaches that one of the criteria for choosing targeted advertising can be the user's home location. In this manner, the cell phone user from St. Louis can be targeted with advertising for his home team playing an away

game in the current city where he is traveling [¶ 74]. It would have been obvious for one of ordinary skill in the art at the time of the invention to have used such home location criteria with the attribute-matching, targeted advertising system of Feinberg, so that local advertising can be delivered to travelers.

13. Regarding claims 6, 7, 21, 22, the server that delivers the web pages having inserted advertising is taken to inherently provide templates so that the requested content and dynamic advertising can be presented properly.

14. **Claims 25, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinberg (US 2001/0053999) in view of Ward et al (US 2002/0151305) and restaurantrow.com (cited by applicant).**

15. Regarding claims 25, 34, Feinberg does not appear to teach adjustable proximity ranges. Restaurantrow.com however teaches delivering location-based content to a user depending on a user-adjustable proximity attribute. It would have been obvious for one of ordinary skill in the art at the time of the invention to have given the user the ability to alter a proximity setting so that the user may receive local information with varying degrees of proximity.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sitaraman et al (US6466977) teaches custom location-based advertising delivered to nearby travelers who are away from their home area [col. 7 lines 14-37].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Mon-Fri 8a-5:30p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey D. Carlson  
Primary Examiner  
Art Unit 3622

jdc